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*Counsel for Individual and Representative
 Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

J. DOE 1 et al.,
 Individual and Representative Plaintiffs,
 v.
 GITHUB, INC., et al.,
 Defendants.

Case Nos. 4:22-cv-06823-JST
 4:22-cv-07074-JST

**REPLY DECLARATION OF JOSEPH R.
 SAVERI IN SUPPORT OF PLAINTIFFS'
 MOTION TO MAINTAIN
 CONFIDENTIALITY DESIGNATIONS
 FOR PLAINTIFFS' TRUE NAMES
 PURSUANT TO SECTION 6.3 OF THE
 STIPULATED PROTECTIVE ORDER
 (ECF NO. 63)**

Date: May 4, 2023
 Time: 12:30 p.m.
 Courtroom: 6, 2nd Floor
 Judge: Hon. Jon Tigar

4:22-cv-06823-JST

REPLY DECLARATION OF JOSEPH R. SAVERI IN SUPPORT OF PLAINTIFFS' MOTION TO MAINTAIN
 CONFIDENTIALITY DESIGNATIONS FOR PLAINTIFFS' TRUE NAMES PURSUANT TO SECTION 6.3 OF THE
 STIPULATED PROTECTIVE ORDER (ECF NO. 63)

1 I, Joseph R. Saveri, declare as follows:

2 1. I am an attorney duly licensed to practice in the State of California. I am a partner
3 and founder of the Joseph Saveri Law Firm, LLP, counsel of record for Plaintiffs Does 1–4 in this
4 action. I have personal knowledge of the matters stated herein and, if called upon, I could
5 competently testify thereto. I make this declaration pursuant to 28 U.S.C. Section 1746 in
6 support of Plaintiffs’ Motion to Maintain Confidentiality Designations for Plaintiffs’ True
7 Names Pursuant to Section 6.3 of the Stipulated Protective Order (ECF No. 63).

8 2. At my direction, attorneys at my firm have discussed with Plaintiffs the possibility
9 that the Court may order their true names be revealed to the public. Plaintiffs have also reviewed
10 the threatening messages that have been received by Plaintiffs’ counsel.

11 3. Doe 1 and Doe 2 have indicated they will withdraw as named plaintiffs rather than
12 vindicate their rights in court. Does 1 and 2 have stated that they fear reprisal and physical harms
13 to their persons if their real identities are revealed. Does 1 and 2 have stated that the threats
14 received by their Counsel cause them to feel threatened and concerned for their physical safety.
15 They find the fact that some of the threatening emails were sent using real-names and personal
16 email addresses, and were sent to a personal email address for Plaintiffs’ counsel particularly
17 disturbing. Does 1 and 2 have indicated that they wish to withdraw as named plaintiffs rather than
18 vindicate their rights if the confidentiality of their true names is removed or even if it is decreased
19 from HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY to CONFIDENTIAL.

20 4. Upon receipt of the threatening email messages (ECF Nos. 68-1, 68-2, 68-3),
21 Plaintiffs’ counsel took appropriate steps to report the threats to the authorities, including
22 reporting them for further investigation to the Federal Bureau of Investigation.

23 5. The Plaintiffs all further fear reprisal and potential harm from Defendants based
24 upon their prior interactions and knowledge about Defendants. This fear is based on Microsoft’s,
25 the parent and controller of GitHub, prior history of reprisal and discriminatory behavior upon
26 adverse parties. Microsoft has a long history of egregious conduct, such as the illegal campaign it
27 waged against Netscape that is common knowledge in the coding community. *See*

1 <https://www.justice.gov/atr/us-v-microsoft-proposed-findings-fact-1>. Microsoft also now has a
2 substantial interest in at least one OpenAI entity.

3 6. Plaintiffs also fear that if their names are identified, they may be subject to
4 invasions of privacy and harassment by strangers and Defendants'-employees posing as strangers.
5 Defendant Microsoft's employees have engaged in this practice already in connection with this
6 case. Attached hereto as **Exhibit 1** is a true and correct copy of a discussion of this case on an
7 Internet forum is initiated and dominated by an individual called "bluca," who is identified by
8 others as a Microsoft employee. "bluca" is angry about this lawsuit and refutes anyone that
9 speaks against AI or Defendants, all while at first concealing their employment at Microsoft and
10 then downplaying the obvious conflict.

11 7. Attached hereto as **Exhibit 2** is a true and correct screenshot of a comment posted
12 on Reddit in November 2022 in response to a link to Matthew Butterick's article announcing the
13 filing of this action, available at

14 [https://www.reddit.com/r/webdev/comments/ylfu70/comment/iuyyir7/?utm_source=share&u](https://www.reddit.com/r/webdev/comments/ylfu70/comment/iuyyir7/?utm_source=share&utm_medium=web2x&context=3)
15 [tm_medium=web2x&context=3](https://www.reddit.com/r/webdev/comments/ylfu70/comment/iuyyir7/?utm_source=share&utm_medium=web2x&context=3)

16 8. Attached hereto as **Exhibit 3** is a true and correct screenshot of a comment posted
17 on Reddit in November 2022 in response to a link to Mr. Butterick's article announcing the filing
18 of this action, available at

19 [https://www.reddit.com/r/webdev/comments/ylfu70/comment/iv0gckn/?utm_source=share&](https://www.reddit.com/r/webdev/comments/ylfu70/comment/iv0gckn/?utm_source=share&utm_medium=web2x&context=3)
20 [utm_medium=web2x&context=3](https://www.reddit.com/r/webdev/comments/ylfu70/comment/iv0gckn/?utm_source=share&utm_medium=web2x&context=3)

21 9. Attached hereto as **Exhibit 4** is a true and correct screenshot of a comment posted
22 on Reddit in November 2022 in response to a link to Mr. Butterick's article announcing the filing
23 of this action, available at

24 [https://www.reddit.com/r/webdev/comments/ylfu70/comment/iv11x8o/?utm_source=share&u](https://www.reddit.com/r/webdev/comments/ylfu70/comment/iv11x8o/?utm_source=share&utm_medium=web2x&context=3)
25 [tm_medium=web2x&context=3](https://www.reddit.com/r/webdev/comments/ylfu70/comment/iv11x8o/?utm_source=share&utm_medium=web2x&context=3)

26 10. Attached hereto as **Exhibit 5** is a true and correct screenshot of a comment posted
27 on Reddit in November 2022 in response to a link to Mr. Butterick's article announcing the filing
28

1 of this action, available at

2 https://www.reddit.com/r/technology/comments/ylfd6n/comment/iuyo342/?utm_source=share&utm_medium=web2x&context=3
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5 I declare under penalty of perjury that the foregoing is true and correct. Executed this
6 20th day of April, 2023.

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8 /s/ Joseph R. Saveri
Joseph R. Saveri
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